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NMS Supply, Inc., J.W. Construction, Inc., and
9 David R. Whiteside
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 WALTER PEREZ ESCOBAR, MARGARITO
GONZALEZ, and FRANCISCO CISNEROS-
15 ZAVALA, individually and on behalf of all others
similarly situated

16 Plaintiff,

17 v.
18

19 WHITESIDE CONSTRUCTION CORPORATION,
NMS SUPPLY, INC., J.W. CONSTRUCTION,
20 INC., and DAVID R. WHITESIDE

21 Defendants.
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) Case No. CV 08 1120 WHA
)
) **DECLARATION OF CHARLES**
) **FLANDERS IN OPPOSITION TO**
) **PLAINTIFFS' MOTION FOR**
) **CERTIFICATION OF FAIR LABOR**
) **STANDARDS ACT COLLECTIVE**
) **ACTION AND APPROVAL OF**
) **NOTICE**
)

) Date: August 21, 2008
) Time 8:00 a.m.
) Courtroom: 9
) Judge: Hon. William Alsup
)

1 I, Charles Flanders, declare:

2 1. I have personal knowledge of the facts set forth herein, and if called as a witness, I
3 could and would competently testify thereto.

4 2. I have made this declaration voluntarily, and I have not been pressured by anyone
5 to provide this declaration. Further, I have not received any payment or promise of future
6 consideration for this declaration.

7 3. I have been employed by Whiteside Construction Corporation ("Whiteside") for
8 approximately ten years and have been employed as a foreman supervising construction crews for
9 the past eight years. I directly supervise crews of four to ten carpenters on Whiteside jobsites and
10 oversee as many as 30 employees on a jobsite.

11 4. As long as I have worked at Whiteside I have commuted to and from the jobsite
12 from my home. Employees on my crews either commute to the jobsite from their homes or elect to
13 go to the Company yard in Richmond for a ride to the jobsite in a company truck if a truck is
14 going to a particular jobsite. However, it is the employee's responsibility to get himself to the
15 jobsite by the designated starting time. Magarito Gonzalez worked on my crews at different times.
16 I recall one job in Larkspur, in Marin County, the Drake's Landing Sidewalk Repair job, where I
17 believe Gonzalez used his own vehicle to commute to and from the job. I remember Gonzalez
18 asked me how he was supposed to get to the job. I told him he would have to get himself there just
19 like everyone else. I believe there were other times where Gonzalez may have obtained a ride to
20 the job in a company truck. Employees are not required to return to the Richmond yard at the end
21 of the workday.

22
23 5. An employee's work location is generally the same each day until he is no longer
24 needed on that job. Some jobs can last for months. If the work assignment changes either I will tell
25 the employee that afternoon what his assignment is for the next day, the employee can call the
26 office that day to get the

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4 assignment or he can get the information the next day before his shift begins.

5 I declare under penalty of perjury under the laws of the State of California and of the
6 United States that the foregoing is true and correct.

7 Executed this 31st day of July, 2008, at San Francisco, California.

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Charles Flanders

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